

SUPPORTING STATEMENT

Slope and Shaft Sinking Plans, 30 CFR 77.1900 (pertains to the surface work areas of underground coal mines)

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

Title 30, CFR 77.1900 requires underground coal mine operators to submit for approval, a plan that will provide for the safety of workmen in each slope or shaft that is commenced or extended from the surface to the underground coal mine. Each slope or shaft sinking operation is unique in that each operator uses different methods and equipment and encounters different geological strata which makes it impossible for a single set of regulations to insure the safety of the miners under all circumstances. This makes an individual slope or shaft sinking plan necessary. Plans include the name and location of the mine; name and address of the mine operator; a description of the construction work and methods to be used in construction of the slope or shaft, and whether all or part of the work will be performed by a contractor; the elevation, depth and dimensions of the slope or shaft; the location and elevation of the coalbed; the general characteristics of the strata through which the slope or shaft will be developed; the type of equipment which the operator proposes to use; the system of ventilation to be used; and safeguards for the prevention of caving during excavation.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

Plans are submitted to the District Manager in whose district the mine is located for approval. Once approved they are used by MSHA to determine that the equipment and methods used by the mine operator to provide a safe working environment for their employees is as stated in the approved plan.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic

submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

The shaft or slope plans submitted under 30 CFR 77.1900 are type written documents consisting of narrative descriptions, lists, tables and drawings. These documents can be prepared using Personal Computers, automated drafting programs and word processing programs and submitted via e-mail, where the mine operator has the capability of affixing transmittable authorization signatures or where the e-mail or facsimile is followed by a signed hard copy. However, neither the use of nor absence of access to electronic media significantly effect the burden imposed by the standard. No new information technology has been identified that would reduce the burden.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

Plans are developed for individual slope and shaft sinking operations. No similar or duplicate information exists.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

The provisions of the Federal Mine Safety and Health Act of 1977 (Mine Act), and MSHA regulations and standards apply to all operations, regardless of size, because accidents, injuries, and illnesses can occur at any mine regardless of size. Congress intended that the Mine Act be enforced at all mining operations within its jurisdiction regardless of size and that information collection and recordkeeping requirements be consistent with efficient and effective enforcement of the Mine Act. However, Congress did recognize that small operations may face problems in complying with some Mine Act provisions. Section 103(e) of the Mine Act directs the Secretary of Labor not to impose an unreasonable burden on small businesses when obtaining any information under the Act. This information collection does not have a significant impact on a substantial number of small entities.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Each slope or shaft sinking operation is unique in that each operator/contractor uses different methods and equipment and encounters different geological strata which makes it impossible

for a single set of regulations to insure the safety of the miners under all circumstances. This makes an individual slope or shaft sinking plan necessary. Plans include the name and location of the mine; name and address of the mine operator; a description of the construction work and methods to be used in construction of the slope or shaft, and whether all or part of the work will be performed by a contractor; the elevation, depth and dimensions of the slope or shaft; the location and elevation of the coalbed; the general characteristics of the strata through which the slope or shaft will be developed; the type of equipment which the operator proposes to use; the system of ventilation to be used; and safeguards for the prevention of caving during excavation. Consequently, MSHA regards the continuation of the standard as essential to assuring the safety and health of miners and contractor personnel during the high risk activities of shaft and slope construction. Plans are prepared once for each slope and shaft sinking operation.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- requiring respondents to report information to the agency more often than quarterly;
- requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- requiring respondents to submit more than an original and two copies of any document;
- requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;
- in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

Slope or Shaft plans are prepared once for each slope and shaft sinking operation. Many contractor's choose to submit separate plans for distinct stages or phases of the construction, such as a plan for the first 100 feet of shaft sinking utilizing a crane to hoist men and materials and a plan for the remaining depth

done after a hoist and suspended work platform are utilized. In such cases each plan takes less time to prepare but is reviewed and approved separately. Also, some contractors may submit amendments to an approved plan when a change in equipment, procedure or methods necessitate a review and approval by the district manager before implementation. However, many shaft and slope contractor chose to submit separate plans for distinct stages or phases of the construction, such as a plan for the first 100 feet of shaft sinking utilizing a crane to hoist men and materials and a plan for the remaining depth done after a hoist and suspended work platform are utilized. In such cases each plan takes less time to prepare but is reviewed and approved separately. Also, some contractors may submit amendments to an approved plan when a change in equipment, procedure or methods necessitate a review and approval by the district manager before implementation.

This collection of information is consistent with the guidelines in 5 C.F.R. §1320.5 and does not contain any requirements for respondents to report more than quarterly.

8. If applicable, provide a copy and identify the data and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

MSHA will publish the proposed information collection requirements in the Federal Register, notifying the public that these information collection requirements are being reviewed in accordance with the Paperwork Reduction Act of 1995, and giving interested persons 60 days to submit comments.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

MSHA has decided not to provide payments or gifts to respondents.

10. Describe any assurance of confidentiality provided to respondents and the

basis for the assurance in statute, regulation, or agency policy.

Slope and shaft sinking plans are applicable to specific work conditions. There is no personal or proprietary information involved and assurance of confidentiality implied. MSHA regards the approved plans as public records.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.
- If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.
- Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.

There were 887 active underground coal mines in the year 2000. Only underground mines have shaft and slope plans. A survey of the Coal Mine Safety and Health Districts found that 48 individual shaft or slope plans were submitted and approved in FY 2000. In addition, the survey found that the common practice was for shaft and slope contractors to submit separate plans for distinct phases of the construction. Typically two plans were submitted and approved for each shaft with an occasional submission of an amendment when circumstances required. Safety specialists estimate that it takes a mining engineer earning approximately \$54.53 per hour (U.S. Coal Mine Salaries, Wages and

Benefits - 2000 Survey Results, Western Mine Eng, Inc./weighted average for coal supervisors), approximately 20 hours to prepare an average plan .

48 shaft and slope plans x 20 hours = 960 burden hours.
960 X \$54.53 = \$52,349.

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
- If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
- Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

No equipment must be purchased specifically for the purpose of providing/gathering the information required by this standards.

The shaft and slope plans are prepared on office equipment and or engineering equipment maintained at the mine or in the contractors office for normal business activities.

However, since these documents are mandatory requirements, many are sent to MSHA by certified mail so that a record of delivery is secured by the mine operator(s).

Assuming that each of the plan is submitted by certified mail,

the operators/contractor will incur additional transmittal costs estimated at \$15.00 per package x 48 plans = \$ 720.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

The cost to the Federal Government varies with the development trends of the coal industry and could cost from a few hundred dollars to a few thousand dollars depending on the number of plans that are submitted for approval. Safety specialists estimate that it would take approximately 15 hours to review and approve an average plan. The average salary for a Safety Specialist is GS-13-5, at \$64,993 per annum (2001 Base General Schedule) or \$31.25 per hour. MSHA's records show that there are approximately 48 shaft and slope plans per year. Therefore

$$48 \text{ plans} \times 15 \text{ hours} \times \$31.25/\text{hr} = \$22,500$$

15. Explain the reasons for any program changes or adjustments reporting in Items 13 or 14 of the OMB Form 83-I.

The burden hour decrease of 40 hours (from 1000 hours to 960 hours) is due to a more precise survey of the number and complexity of shaft and slope plans being submitted. MSHA records show that although there were fewer shafts and slopes under construction during the year 2000 than in 1998, there were more plans (25 plans in the year 1998 and 48 plans in the year 2000 with separate plans for distinct construction phases), fewer active underground mines (1117 underground mines in the year 1998 and 887 underground mines in the year 2000), and a reduced burden per plan for the less complex single phase plans (40 hours per plan reduced to 20 hours per plan for the less complex phased plans). Also, MSHA has corrected the number of respondents for this submission. In previous approval packages, MSHA counted the number of surface mines for the number of respondents. However, since only underground coal mine operators would sink a shaft or slope, the number of respondents is the number of active underground coal mines which decreased from 1,117 in 1998 to 887 in 2000.

16. For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

MSHA does not intend to publish the results of this information

collection.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

There are no forms associated with this information collection; therefore, MSHA is not seeking approval to not display the expiration date for OMB approval of this information collection.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submission," of OMB 83-I.

There are no exceptions to the certification statement.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

1. Describe (including numerical estimate) the potential respondent universe and any sampling or other respondent selection method to be used. Data on the number of entities (e.g., establishments, State and local government units, households, or persons) in the universe covered by the collection and in the corresponding sample are to be provided in tabular form for the universe as a whole and for each of the strata in the proposed sample. Indicate expected response rates for the collection as a whole. If the collection had been conducted previously, include the actual response rate achieved during the last collection.

Collection of information does not employ statistical methods.

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